REMARKS

Reconsideration of the above identified application in view of the preceding

amendments and following remarks is respectfully requested.

Claims 1-16, 24 and 25 are pending in this application. By this Amendment,

Applicants have amended Claims 1, 9, 10 and 24. The claim amendments were made to more

precisely define the invention in accordance with 35 U.S.C. 112, paragraph 2. These amendments

have not been necessitated by the need to distinguish the present invention from any prior art. It is

respectfully submitted that no new matter has been introduced by these amendments, as support

therefor is found throughout the specification and drawings.

35 U.S.C. §101

Claim 9 was rejected under 35 U.S.C. §101 as being directed to non-statutory

subject matter, namely a signal. Claim 9 has been amended to address the non-statutory

subject matter rejection and an action acknowledging the same is respectfully requested.

35 U.S.C. §102

In the Office Action, Claims 10-16 were rejected under 35 U.S.C. §102(e) over

U.S. Patent Application Publication No. 2002/0188896 to Filteau et al. The Examiner's

grounds for rejection are herewith traversed, and reconsideration is respectfully requested.

Filteau et al. disclose a system and method for generating multi-lingual reports.

Filteau et al. translate a report in one language into a report in another language in a physician

directed iterative process. Filteau et al. relates to reports between diagnosing doctors and referring

doctors. Filteau et al. has nothing to do with generating correspondence for the patient.

In contrast, Claim 10 recites a method for generating follow up patient

communication from a clinician to an outpatient using a computer for facilitating interaction between the clinician and the computer, including, *inter alia*, concluding a visit between the clinician and the outpatient, enabling interaction by the clinician with said snippet using said input interface to select at least a portion of said snippet; automatically generating patient communication based upon the interaction with said snippet, and automatically electronically sending the outpatient communication to the selected patient from the computer subsequent to the visit. Filteau et al. generates no patient related communications. Consequently, for at least this reason, Claim 10 and 11-16 depending therefrom distinguish the subject invention from Filteau et al. Therefore, withdrawal of the rejection is respectfully requested.

35 U.S.C. §103

In the Office Action, Claims 1, 2-4 and 9 were rejected under 35 U.S.C. § 103 (a) over Filteau et al. in view of U.S. Patent No. 5,065,315 to Garcia. The Examiner's grounds for rejection are herewith traversed, and reconsideration is respectfully requested.

As noted above, Filteau et al. translate a report in one language into a report in another language in a physician directed iterative process, where the reports are between diagnosing doctors and referring doctors. Filteau et al. has nothing to do with generating correspondence for the patient.

Garcia disclose a system for scheduling and tracking patient related services for hospitalized patients. Garcia discloses collecting information related to a patient's stay in the hospital and printing it for inclusion in the patient's chart. At discharge, Garcia prints a patient instruction document with a bill for the patient. The patient instruction document includes a discharge section, a disposition section, and a prognosis section, which may include results. Garcia

only relates to hospitalized patients and simply contemplates discharged patients having the patient instruction document to take home from the hospital.

There is nothing in either of these references that discloses or suggests, either alone or in combination, in whole or in part, the device defined by Claims 1, 2-4 and 9 of the subject application. In particular, there is nothing in either Filteau et al. or Garcia which discloses or suggests, alone or in part, in whole or in combination, a method for providing medical communications from a clinician to patients in an outpatient environment having a server including the steps of: a) conducting a visit with an outpatient; b) ordering a test at a laboratory based on the visit; c) subsequent to steps a) and b), receiving first data relating to the test from a laboratory via electronic data interchange to the server; d) retrieving from the server second data relating to a patient associated with the first test data; e) selecting a medplate based upon the first test data; f) autopopulating the medplate from the server based upon the first test data and the second patient data; g) applying at least one rule to select default textual fragments based upon the first test data; h) providing from the server alternative textual fragments within the medplate; i) presenting the medplate from the server for review by the clinician; j) receiving selection input regarding use of the default and alternative textual fragments to modify the medplate from the clinician; k) automatically generating in the server a correspondence based upon the modified medplate; and l) automatically providing the correspondence to the patient from the server, wherein the server provides the correspondence via a means selected from electronic mail and generating a traditional postal letter. Neither Filteau et al. nor Garcia relate to an outpatient environment taking such steps to inform the outpatient. Accordingly, Claims 1 and 2-4 depending therefrom are not rendered obvious by the combination of references cited by the Examiner. Claim 9 contains similar

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limitations, so it is similarly not rendered obvious. Thus, withdrawal of the rejection against

Claims 1, 2-4 and 9 under 35 U.S.C. §103 (a) is respectfully requested.

In the Office Action, Claims 5-8 were rejected under 35 U.S.C. § 103 (a) over

Filteau et al. in view of Garcia and in further view of U.S. Patent Application Publication No.

2001/0032099 to Joao and U.S. Patent No. 6,171,112 to Clark et al., respectively. The Examiner's

grounds for rejection are herewith traversed, and reconsideration is respectfully requested.

It is respectfully submitted that Joao and Clark et al. do not cure the deficiencies

noted above and, therefore, the Claims 5-8 by virtue of dependency upon Claim 1 patentably

distinguish over the art of record and an action acknowledging the same is respectfully requested.

In the Office Action, Claims 24 and 25 were rejected under 35 U.S.C. § 103 (a) over

Filteau et al. in view of U.S. Patent No. 5,748,907 to Crane et al. The Examiner's grounds for

rejection are herewith traversed, and reconsideration is respectfully requested.

As noted above, Filteau et al. creates multi-lingual reports, where the reports are

between diagnosing doctors and referring doctors. Filteau et al. has nothing to do with generating

correspondence for the patient.

Crane relates to managing a medical facility so that patient care is improved. Crane

includes a master processor 101 that automatically transmits a prescription to the pharmacy if a

diagnosis results in a prescription being required (see col. 26, lines 36-46). Crane does not teach

automatically providing the prescription to the patient.

There is nothing in either of these references that discloses or suggests, either alone

or in combination, in whole or in part, the device defined by Claims 1, 2-4 and 9 of the subject

application. In particular, there is nothing in either Filteau et al. or Crane which discloses or

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suggests, alone or in part, in whole or in combination, a method for prescribing medication to a patient by a physician based on received test results, including the steps of: providing a display device and an interface for facilitating interaction between a human and a processor, providing a repository of snippets including patient text, providing a database including patient data; viewing information regarding a patient including at least one test result using said display device; selecting at least one snippet from said repository of snippets; interacting with said snippet using said interface to select at least a portion of said snippet; generating a patient communication including a prescription for said medication; and automatically electronically sending said patient communication including said prescription to said patient. Neither Filteau et al. nor Crane relate to automatically electronically sending said patient communication including said prescription to said patient among other things. Accordingly, for at least this reason, Claims 24 and 25 depending therefrom are not rendered obvious by the combination of references cited by the Examiner and, withdrawal of the rejection against Claims 24 and 25 under 35 U.S.C. §103 (a) is respectfully requested.

It is respectfully submitted that all of the claims now remaining in this application are in condition for allowance, and such action is earnestly solicited. Any additional fees due as a result of filing the present paper may be applied to Deposit Account No. 04-1105.

If after reviewing this amendment, the Examiner believes that a telephone interview would facilitate the resolution of any remaining matters the undersigned attorney may be contacted at the number set forth herein below.

Respectfully submitted,

Date: August 13, 2010

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